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6           UNITED STATES DISTRICT COURT  
7           WESTERN DISTRICT OF WASHINGTON  
8           AT TACOMA

9           UNITED STATES OF AMERICA,

10           Plaintiff,

11           v.

12           JAY MICHAUD,

13           Defendant.

CASE NO. 3:15-cr-05351RJB

ORDER DENYING DISMISSAL  
AND EXCLUDING EVIDENCE

14         This matter came before the court on the defendant's Motion to Dismiss the Indictment  
15 (Dkt. 178). In supporting briefing, the defendant also suggested an alternative remedy by  
16 excluding evidence (Dkt. 210). The court is familiar with the records and files herein and heard  
17 oral argument on the motion on May 25, 2016.

18         For the reasons stated orally on the record, evidence of the N.I.T., the search warrant  
19 issued based on the N.I.T., and the fruits of that warrant should be excluded and should not be  
20 offered in evidence at trial. The court should not now order dismissal.

21         The Motion to Dismiss (Dkt. 178) should be DENIED IN PART and GRANTED IN  
22 PART to the foregoing extent.

23         IT IS SO ORDERED.

1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
2 to any party appearing *pro se* at said party's last known address.

Dated this 25<sup>th</sup> day of May, 2016.

Robert J. Bryan

ROBERT J. BRYAN  
United States District Judge